

Gregory D. Grant (VSB No. 31784)  
Courtney R. Sydnor (VSB No. 45911)  
Shulman, Rogers, Gandal,  
Pordy & Ecker, P.A.  
12505 Park Potomac Avenue, 6<sup>th</sup> Floor  
Potomac, Maryland 20854  
Telephone: (301) 230-5200 or  
(703) 684-5200  
Facsimile: (301) 230-2891  
[ggrant@shulmanrogers.com](mailto:ggrant@shulmanrogers.com)  
[csydnor@shulmanrogers.com](mailto:csydnor@shulmanrogers.com)

*Local Counsel for 99¢ Only Stores*

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

IN RE:	)	Chapter 11
	)	
CIRCUIT CITY STORES, et al.	)	Case No. 08-35653-KRH
	)	Jointly Administered
Debtors.	)	

**UNOPPOSED MOTION FOR LEAVE OF COURT TO ATTEND  
HEARING BY TELEPHONE**

99¢ Only Stores (“99¢ Only”), the stalking-horse bidder in connection with the Debtors’ *Motion for Orders Under Bankruptcy Code Sections 105, 363 and 503 and Bankruptcy Rules 2002 and 6004 (I) (a) Approving Bidding Procedures for Sale of Certain Real Property in Moreno Valley, California, (b) Authorizing Sellers to Enter Into Agreement in Connection Therewith Subject to Higher and Better Proposals, (c) Approving Expense Reimbursement in Connection Therewith, (d) Setting Auction and Sale Hearing Dates; (II) Approving Sale of Property Free and Clear of Liens; and (III) Granting Related Relief* [Docket No. 3925] (the “Bidding Procedures Motion”), by and through its undersigned counsel, and pursuant to the Court’s *Order Pursuant to Bankruptcy Code Sections 102 and 105, Bankruptcy Rules 2002 and 9007, and Local Bankruptcy Rules 2002-1 and 9013-1 Establishing Certain Notice, Case Management, and Administrative Procedures* [Docket No. 130] (the “Case Management Order”),

hereby moves for leave of Court to attend the hearing on July 23, 2009 at 11:00 a.m. EDT by telephone. In support thereof, 99¢ Only states as follows:

1. On November 10, 2008 (the “Petition Date”), the above-captioned debtors and debtors-in possession (collectively, the “Debtors”), filed voluntary petitions in this Court for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”).

2. On July 2, 2009, the Debtors filed the Bidding Procedures Motion in order to obtain this Court’s approval of bidding procedures related to the sale of real property in Moreno Valley, California free and clear of all liens, claims, interests and encumbrances. 99¢ Only is the stalking-horse bidder in connection with the proposed sale.

3. A hearing on the Bidding Procedures Motion is scheduled for July 23, 2009 at 11:00 a.m. EDT.

4. Todd Rosen of the law firm of Munger, Tolles & Olson LLP—a law firm based in Los Angeles, California—has been representing 99¢ Only with respect to the bankruptcy process and understands the facts and circumstances related to the issues presented in the Bidding Procedures Motion.

5. On November 13, 2008, the Court entered the Case Management Order. Page 5 of Exhibit A to the Case Management Order states as follows:

(g) Upon request, the Court may allow counsel to listen to a hearing by telephone. If a matter is contested, counsel must attend in person, unless leave of the court is granted on a case by case basis.

6. 99¢ Only understands that there has been only one objection filed with respect to the Bidding Procedures Motion and that this objection will be addressed by

Debtors' counsel at the hearing. Moreover, 99¢ Only does not expect the objection to pose any significant obstacle to approval of the Bidding Procedures Motion and may even be resolved consensually at or before the hearing. In light of the foregoing and because 99¢ Only has retained local counsel to assist in this matter, 99¢ Only does not believe that it would be cost-effective to have Mr. Rosen appear in person at the hearing on July 23, 2009. Therefore, 99¢ Only respectfully asks for leave of Court pursuant to the Case Management Order so that Mr. Rosen may appear and participate by telephone with Virginia local counsel present in the courtroom.

7. Based on Mr. Rosen's knowledge of the facts and legal issues related 99¢ Only's role as the stalking-horse bidder in the proposed sale of the Moreno Valley real property, the ends of justice would be served by allowing Mr. Rosen to appear by telephone.

8. 99¢ Only has conferred with Debtor's local counsel at McGuire Woods LLP. They do not oppose this motion.

9. A Motion to Appear *Pro Hac Vice* has been filed on behalf of Mr. Rosen in this case.<sup>1</sup>

WHEREFORE, 99¢ Only respectfully requests that this Court grant this motion and enter an Order substantially in the form annexed hereto permitting Todd Rosen to appear and be heard by telephone at the hearing on July 23, 2009 at 11:00 a.m. EDT on behalf of 99¢ Only and granting such other relief as necessary and appropriate.

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<sup>1</sup> To the extent necessary, local counsel will move Mr. Rosen's admission *pro hac vice* in open court.

Respectfully submitted,

/s/ Courtney Sydnor

Gregory D. Grant (VSB No. 31784)

Courtney R. Sydnor (VSB No. 45911)

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12505 Park Potomac Avenue, 6<sup>th</sup> Floor

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*Local Counsel for 99¢ Only Stores*

Dated: July 21, 2009

**Certificate of Service**

I certify that, on July 21, 2009, the foregoing was filed and served using the Court's ECF system, and was sent by U.S. mail to the persons listed on the attached service list.

/s/ Courtney Sydnor  
Gregory D. Grant (VSB No. 31784)  
Courtney R. Sydnor (VSB No. 45911)  
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12505 Park Potomac Avenue, 6<sup>th</sup> Floor  
Potomac, Maryland 20854  
Telephone: (301) 230-5200 or  
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Facsimile: (301) 230-2891  
[ggrant@shulmanrogers.com](mailto:ggrant@shulmanrogers.com)  
[csydnor@shulmanrogers.com](mailto:csydnor@shulmanrogers.com)

*Local Counsel for 99¢ Only Stores*

**SERVICE LIST**

Linda K. Myers, Esq.  
Kirkland & Ellis LLP  
200 E. Randolph Drive  
Chicago, Illinois 60601  
*Counsel to Debtors*

Evan Gershbein, Esq.  
Kurtzman Carson Consultants LLC  
2335 Alaska Avenue  
El Segundo, California 90245  
*Claims Agent*

Dion W. Hayes, Esq.  
McGuire Woods LLP  
901 East Cary Street  
One James Center  
Richmond, Virginia 23219  
*Debtor's Local Counsel*

Robert B. Van Arsdale  
Office of the U.S. Trustee  
701 E. Broad Street  
Suite 4304  
Richmond, Virginia 23219-1888  
*US Trustee*

Jeffrey N. Pomerantz, Esq.  
Pachulski, Stang, Ziehl & Jones LLP  
10100 Santa Monica Boulevard  
11<sup>th</sup> Floor  
Los Angeles, California 90067-4100  
*Counsel for The Official Committee of Unsecured Creditors*

Robert J. Feinstein, Esq.  
Pachulski, Stang, Ziehl & Jones LLP  
780 Third Avenue  
36<sup>th</sup> Floor  
New York, New York 10017  
*Counsel for The Official Committee of Unsecured Creditors*

Gregg M. Galardi, Esq.  
Ian S. Fredericks, Esq.  
Skadden, Arps, Slate, Meagher & Flom, LLP  
One Rodney Square  
P.O. Box 636  
Wilmington, Delaware 19899-0636  
*Counsel to Debtors*

Timothy G. Pohl, Esq.  
Chris L. Dickerson, Esq.  
Skadden, Arps, Slate, Meagher & Flom, LLP  
155 N. Whacker Drive, Ste 2700  
Chicago, Illinois 60606-1720  
*Counsel to Debtors*

Lynn L. Tavenner, Esq.  
Paula S. Beran, Esq.  
Tavenner & Beran PLC  
20 N Eighth Street, 2<sup>nd</sup> Floor  
Richmond, Virginia 23219  
*Counsel for The Official Committee o Unsecured Creditors*